



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 27, 2017
TO: Mayor and City Councilors
FROM: Chuck Darnell, Associate Planner
SUBJECT: **Ordinance No. 5027 - G 1-17:** Zoning Text Amendments to amend Chapter 17.57 (Landscaping), Chapter 17.58 (Trees), and Chapter 17.06 (Definitions)

Council Goal:

Promote Sustainable Growth and Development.

Report in Brief:

This action is the consideration of Ordinance No. 5027, an ordinance amending Chapter 17.57 (Landscaping), Chapter 17.58 (Trees), and Chapter 17.06 (Definitions) of the McMinnville Zoning Ordinance to update and revise the City of McMinnville's Landscaping and Trees programs. The updates and amendments are varied but are generally related to the review processes for the installation of landscaping and street trees and the requirements related to the maintenance of landscaping and trees in the city.

Background:

The Landscaping chapter (Chapter 17.57) of the McMinnville Zoning Ordinance establishes the regulations for landscaping of particular properties within the city including the process of review by the Landscape Review Committee, and the criteria that are used to review landscaping plans. The chapter also establishes which districts and uses are required to have landscaping, and how much of a site must be landscaped.

The Trees chapter (Chapter 17.58) of the McMinnville Zoning Ordinance establishes regulations for tree removal and installation of street trees, as well as the review processes and review criteria for each. Regulations related to the protection of trees are also included in this chapter as well as situations in which street tree planting is required, and the street tree standards that must be followed when planting and maintaining street trees.

The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016. The discussions focused on reviewing the existing text and identifying areas that were in need of updates to be more consistent with current

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- Exhibit A – G 1-17 Decision Document*
- Exhibit B – Amendments to Chapter 17.57*
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practices and industry standards, as the chapters had not been updated in many years. The Landscape Review Committee discussed the existing chapters at their October 6, 2016 regular meeting, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that staff advance the proposed zoning text amendments, having been endorsed by the Landscape Review Committee, for review and consideration by the Planning Commission and City Council.

The Planning Commission discussed the amendments proposed by the Landscape Review Committee during a work session discussion on February 16, 2017. The Planning Commission also opened a public hearing to consider the amendments at their regular meeting on March 16, 2017. Based on testimony received during the hearing, the Planning Commission decided to continue to the public hearing to May 18, 2017 to allow staff to incorporate additional amendments that were suggested during public testimony.

Testimony received related to additional organizational changes that could occur in the Zoning Ordinance chapters to make the regulations more cohesive and easier for the general public to understand. Amendments related to other refinements of the review and inspection processes were also proposed as part of the public testimony received. Finally, the McMinnville Chapter of the Native Plant Society provided input as to how the City could encourage the use of native plants in landscape plans. Those suggestions and testimony were reviewed by staff and incorporated into the draft amendments. The Landscape Review Committee reviewed the amendments again at their April 19, 2017 public meeting, and found them to be acceptable and recommended that they be brought forward again to the Planning Commission.

During the continued public hearing on May 18, 2017, the Planning Commission reviewed revised amendments to the two chapters that incorporated comments received during the previous public testimony. The Planning Commission unanimously recommended to the City Council that the proposed amendments be approved.

Discussion:

The main topics that are recommended to be amended in the Landscaping and Trees chapters include the following:

- Purpose and intent of the Landscaping chapter
- Refinements to the review processes for landscape plans, street tree plans, and tree removal requests
- Requirements for maintaining approved landscape plans and street tree plans
- Relocation of Landscape Review Committee bylaws from Zoning Ordinance to City Code
- Situations when street tree standards and removal processes are applicable
- Requirements for planting and replacing street trees
- Ability to update street tree planting standards and approved street tree list

In addition, other recommended amendments to the chapters that came out of public testimony received through the public hearing process include the following:

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- Reorganization of the Landscaping chapter
- Refinement of Landscaping Purpose and Intent section
- Additions to information to be included in landscape plans
- Creation of Downtown Trees section in Trees chapter
- Ability for Landscape Review Committee to allow additional time for tree replacement
- Ability for City to request arborist report in more tree removal situations
- Relocation of some standards to Street Tree Maintenance section in Trees chapter

More detail and reasoning behind the specific amendments that are being proposed is provided below. Text proposed to be added is shown in **bold underlined** font while text proposed to be removed is shown in strikeout font.

Chapter 17.57 - Landscaping

1) Section 17.57.010:

Existing Language:

The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. [...]

Suggested Amendment:

~~The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs.~~ **The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:**

- A. **Provide guidelines and standards that will:**
 1. **Reduce soil erosion and the volume and rate of discharge of storm water runoff.**
 2. **Aid in energy conservation by shading structures from energy losses caused by weather and wind.**
 3. **Mitigate the loss of natural resources.**
 4. **Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.**
 5. **Create safe, attractively landscaped areas adjacent to public streets.**
 6. **Require the planting of street trees along the City's rights-of-way.**

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7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
8. Provide shade, and seasonal color.
9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- H. Support McMinnville as a community that cares about its appearance.

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.070~~50~~ are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020.

Reasoning for Amendment: The more comprehensive purpose and intent statement proposed will provide a framework and objectives for the City of McMinnville to follow in the administration of the landscaping program. The Landscape Review Committee can use the purpose and intent statements when considering individual landscape plans to ensure that they are achieving the broad goals of the City in terms of landscaping. Also, an objective was added to encourage the use of plants native to the Willamette Valley, as recommended and endorsed by the McMinnville Chapter of the Native Plant Society.

2) Section 17.57.030 and Section 17.57.040:

Existing Language:

These sections are currently titled “Plans – Submittal and review – Approval – Time limit for completion”, and “Plans – Information to be included”.

Suggested Amendment:

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The suggested amendment is to move two other existing sections further up in the chapter. Those sections include “Zones where required” and “Specific uses requiring landscaping”.

Reasoning for Amendment: A suggestion received as public testimony was to move these two sections up in the chapter. These sections describe where and when landscaping is required, and it makes more sense to describe the locations and uses that will require landscaping first, prior to describing the plan submittal and review processes. The language is not proposed to be amended. The only amendment is to the order of the sections themselves. The section numbers (e.g. 17.57.030) are proposed to be amended throughout the Landscaping chapter to reflect the reorganization of the sections.

3) Section 17.57.050(A):

Existing Language:

- A. At the time the applicant applies for a building permit, he shall submit, for the Landscape Review Committee, five copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, five copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
1. The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions. No building permit shall be issued until the landscaping plan has been approved.
 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;

Suggested Amendment:

- A. At the time the applicant applies for a building permit, ~~he~~**they** shall submit, for the Landscape Review Committee, ~~five~~ **two** copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, ~~five~~ **two** copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
1. ~~The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions.~~ No building permit shall be issued until the landscaping plan has been approved.
 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;

Reasoning for Amendment: The text to be removed is duplicative, and the fact that no building permits shall be issued until the landscaping plan has been approved covers the intent of this requirement.

4) Section 17.57.050(B):

Existing Language:

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- B. Landscaping review shall occur within ten working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his presence shall not be necessary for action to be taken on the plans. A failure to review within ten working days shall be considered as approval of the plan;

Suggested Amendment:

- B. Landscaping review shall occur within ~~ten~~ **30 (thirty)** working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although ~~his~~**their** presence shall not be necessary for action to be taken on the plans. A failure to review within ~~ten~~ **30 (thirty)** working days shall be considered as approval of the plan;

Reasoning for Amendment: Review period changed from ten (10) working days to 30 (thirty) calendar days, to more accurately reflect existing practice and provide for sufficient staff time to thoroughly review plans. The language will require that review take place within 30 (thirty) days, which will provide flexibility for the Landscape Review Committee to meet earlier to review a plan if necessary.

5) Section 17.57.050(D-E):

Existing Language:

- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (or Director of Parks and Recreation) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. [...]
- E. All completed landscape projects shall be inspected by the Director of Parks and Recreation [...].

Suggested Amendment:

- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (~~or Director of Parks and Recreation~~) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. [...]If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, **inspection, and approval**, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the **final** inspection **and/or approval** to be postponed until the project is completed or cause the security to be used by the City

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- E. All completed landscape projects shall be inspected by the ~~Director of Parks and Recreation~~**Planning Director or their designee**. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, **as determined by the Planning Director or their designee**, as long as they do not alter the character and aesthetics of the original plan.

Reasoning for Amendment: This language already existed, but as amended would clearly allow for staff to make the determination of whether minor changes in landscaping were acceptable when completing their landscaping inspections.

6) Section 17.57.060

Existing Language: Section 17.57.040 lists the information that must be included on submitted landscape plans.

Suggested Amendment: Minor additions are proposed to be added to the information to be required on landscape plans. Also, the Landscape Review Committee is suggesting that additional information be required to be included on submitted landscape plans, which will be **inserted** as F, and existing F will become G.

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained **and if no construction or construction access is required through or within the drip line of the trees**, the general area with the number of trees involved may be given in lieu of listing and locating each tree; [...]
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, **raised planters**, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. **The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;**

Reasoning for Amendment: Irrigation or watering facilities are a requirement for landscaped areas, and having this listed in the information that must be included on plans will ensure that applicants are aware of that up front. Other additions allow for more site features to be identified, and better define when large areas of trees can be identified on a plan.

7) Section 17.57.070(C):

Existing Language:

- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Suggested Amendment:

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- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. **Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director’s decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.**

Reasoning for Amendment: The amendment will allow for the Planning Director and staff to allow for minor changes to occur without requiring a new review by the Landscape Review Committee. Considering that landscaping is an evolving feature of a site and may need to be replaced or updated periodically, the proposed amendments allow for that to occur. Staff will now have discretion in allowing for minor changes, as long as the character and aesthetics of the landscape plan are not being altered and the changes result in like-for-like replacements.

8) Section 17.57.080:

Existing Language:

Currently states that Landscape Review Committee “shall consist of three members and two alternate members”. It goes on to state that only regular committee members may vote, and that alternate members can only vote in the absence of regular committee members.

Suggested Amendment:

The City will be removing Section 17.57.080 (Plan review committee) in its entirety from the zoning ordinance and then adopting the Landscape Review Committee bylaws as a section of the City Code relating to all city commissions and committees. The Landscape Review Committee would become a committee with 5 (five) regular members and a majority of active members would constitute a quorum. Committee members would still serve three (3) year terms, as they currently do today. A draft version of the City Code language that the City is proposing is attached for your review.

Reasoning for Amendment: The City will be formalizing the bylaws for all City committees, and will consolidate those bylaws into one section in the City Code for consistency.

9) Section 17.57.100:

Existing Language:

- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within five days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;

Suggested Amendment:

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- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within ~~five~~**15 (fifteen)** days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;

Reasoning for Amendment: The fifteen day appeal period will be consistent with the standard appeal period for all other land use applications and City decisions.

Chapter 17.58 - Trees

1) Section 17.58.010:

Existing Language: Section 17.58.010 lists the purpose of the Trees chapter.

Suggested Amendment:

The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; **reduce costs for energy, stormwater management, and erosion control**; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; **to increase property values and build stronger ties within neighborhoods**; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues.

Reasoning for Amendment: Public testimony received during the public hearing process brought to light additional benefits that trees bring to the community. These additions were suggested as public testimony, and were incorporated into the purpose statement.

2) Section 17.58.020:

Existing Language: Section 17.58.020 defines the types of trees that are applicable to the requirements of the Trees chapter of the zoning ordinance.

Suggested Amendment:

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees ~~planted in or upon~~ **with trunks located completely or partially within** any public area or right-of-way;
- C. All trees ~~planted in or upon~~ **with trunks located completely within** any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

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Reasoning for Amendment: The existing language is somewhat vague on when a tree is located in the right-of-way, which has led to some difficulty in consistently interpreting the ordinance language. The proposed amendment would clearly identify when the provisions of the Trees chapter are applicable. The proposed amendment is consistent with past practice, as the City has treated trees located partially within the right-of-way as street trees in the past.

3) Section 17.58.040(A):

Existing Language:

- A. [...] Requests for tree removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen days of submittal. [...]

Suggested Amendment:

- A. The removal or major pruning of a tree, **as defined in Section 17.58.020**, ~~within the public right-of-way~~ shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, ~~and the reasons for the desired action,~~ **and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning.** Requests for tree removal or pruning of trees outside of the ~~d~~**Downtown** ~~t~~**Tree z**~~one~~ shall be forwarded to the McMinnville Landscape Review Committee for a decision within ~~fifteen~~ **30 (thirty)** days of submittal. Requests for tree removal within the **Downtown Tree Zone** ~~downtown tree~~ one shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or ~~his~~**their** designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning ~~Direct~~**Director**, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if ~~notice of intent to~~ **written notice of the** appeal is filed with the Planning Department within ~~five~~ **15 (fifteen)** days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

Reasoning for Amendment: Review period changed from fifteen (15) days to 30 (thirty) calendar days, to more accurately reflect existing practice and provide for sufficient staff time to thoroughly review plans. The language will require that review take place within 30 (thirty) days, which will provide flexibility for the Landscape Review Committee to meet earlier to review a request if necessary. The requirement for the applicant to provide the costs associated with the removal and replacement of a tree has been added to ensure that property owners are aware of the costs associated with their requests up front. Knowing this information up front may reduce the number of trees that are removed and then not replaced.

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4) Section 17.58.040(D):

Existing Language:

- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. [...]

Suggested Amendment: Add the following statement:

- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the “Guide for Plant Appraisal” published by the International Society of Arboriculture Council of Tree Landscape Appraisers. **Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City’s annual tree planting program.**

Reasoning for Amendment: Oftentimes, a tree is removed because it is causing damage to adjacent public infrastructure, and a replacement tree in the exact same location would either continue to cause the same issues or may not actually meet the current required setbacks from certain infrastructure. In those cases, the Committee will have the ability to require a replacement tree to be planted in another location that does meet all necessary setback and spacing requirements.

5) Section 17.58.040(F):

Suggested Amendment: Insert the following standard as F, existing standards F – I become standards G – J:

- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee’s decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.**

Reasoning for Amendment: The Landscape Review Committee, when approving a tree removal, has normally provided a timeframe for the removal to be completed. The proposed amendment would formalize that timeframe for removal as six months. In order to promote tree survivability and allow for planting during times that are more favorable, the Landscape Review Committee will have the ability to provide for additional time to complete the replacement.

6) Section 17.58.040(H):

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Existing Language:

- H. Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications. Such design specifications may include tree root barriers, watering tubes or structures, and removable pavers, and shall graphically describe the proper method for planting trees within the downtown tree zone to minimize the potential for sidewalk / tree root conflict.

Suggested Amendment:

- H. ~~Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications~~**The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees within the downtown tree zone and for street trees outside the downtown tree zone.** Such design specifications may **be periodically updated by the City to include specifications such as** tree root barriers, watering tubes or structures, **tree grates,** and removable pavers, and shall graphically describe the proper method for planting trees ~~within the downtown tree zone~~ to minimize the potential for sidewalk / tree root conflict.

Reasoning for Amendment: The ordinance will now specifically reference the design drawings and specifications that are used by the City and have been, since they were adopted in May 2014, shared with property owners completing a tree replacement. The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

7) Section 17.58.045: Downtown Trees

Existing Language:

None.

Suggested Amendment:

Currently, regulations and standards applicable to trees within the Downtown Tree Zone are scattered throughout the Trees chapter. Trees in the downtown area are treated differently than trees in other locations in the city. In order to better organize the regulations that apply to trees in the Downtown Tree Zone, this section was created. The regulations and standards that are shown in the proposed Section 17.58.045 were copied and moved from other sections, but the actual language itself was not amended. The sections that the language shown in the proposed Section 17.58.045 came from included Section 17.58.040 (H), Section 17.58.040 (I), Section 17.58.040 (J), and Section 17.58.050 (D).

8) Section 17.58.050:

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Existing Language: This section defines the review criteria that are required to be met to allow for major pruning or tree removal.

Suggested Amendment: Insert the following statement:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. ~~Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.~~
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- ~~D. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).~~
- D. **Verification of tree health or a tree's impacts on infrastructure may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.**

Reasoning for Amendment: The proposed amendment would allow for the City to require an arborist's report for verification of either tree health or a tree's impacts to public or private infrastructure. The existing language only allows for the City to require an arborist's report and professional opinion on tree health. If a tree removal request based on infrastructure impacts is ever questionable, the City would have the ability to request an arborist's report for additional evidence to support removal. The language related to street trees in the downtown tree zone was removed and relocated to the proposed Section 17.58.045 – Downtown Trees.

9) Section 17.58.060(B):

Existing Language: This section explains situations which allow for an exemption from a permit to remove or prune trees.

Suggested Amendment: **Insert** the following exemption as B, existing exemptions B and C become C and D:

- B. **Tree Impacting Public Infrastructure – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the Planning Director or their designee. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City's annual tree planting program.**

Reasoning for Amendment: This exemption will allow for the City to remove a street tree if it is causing damage to public infrastructure that the adjacent property owner is not responsible for. This more accurately reflects existing practice, and allows for the City to efficiently handle situations in which trees are causing damage to public infrastructure.

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

Attachment 2: Draft Planning Commission Meeting Minutes, May 18, 2017

10) Section 17.58.090(A):

Existing Language:

- A. The species of the street trees to be planted shall be chosen from the approved street tree list unless approval of another species is given by the McMinnville Landscape Review Committee.

Suggested Amendment:

- A. The species of the street trees to be planted shall be chosen from the approved street tree list **McMinnville Street Tree List, as approved by Resolution 2016-22**, unless approval of another species is given by the McMinnville Landscape Review Committee. **The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.**

Reasoning for Amendment: The proposed amendment specifically references the existing Street Tree List and the resolution that approved it. This also allows for the McMinnville Street Tree List to be updated, as the landscaping and arborist industry is continually changing. This will allow for the City to respond those industry changes, which could include the introduction of new successful tree species, strategies for combating invasive species or new tree diseases, and changes in the range of certain species based on fluctuations in weather and climate.

11) Section 17.58.090(D):

Existing Language: This standard is related to the minimum planting strips required for certain types of roadways.

Suggested Amendment:

- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. **These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.**

Reasoning for Amendment: The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

12) Section 17.58.090(G):

Existing Language:

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

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- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the downtown tree zone shall follow the design drawing, or modified design, approved by the Planning Director.

Suggested Amendment:

- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the ~~e~~Downtown ~~t~~Tree ~~z~~Zone shall follow the design drawing, ~~or modified design, approved by the Planning Director~~ **or updated design drawings and specifications as periodically developed and adopted by the City.**

Reasoning for Amendment: The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

13) Section 17.58.090 (H) and Section 17.58.090 (I)

Existing Language:

- H. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.
- I. Maintenance of street trees, other than those located in the downtown tree zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the downtown tree zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

Suggested Amendment:

No amendment to the actual language itself is proposed, but the language above is proposed to be moved to Section 17.58.120(C-D) – Street Tree Maintenance.

Reasoning for Amendment: The language above is related to pruning and maintenance of street trees, which fit better in the Street Tree Maintenance section instead of the Street Tree Standards section.

14) Section 17.58.120:

Existing Language:

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.

Suggested Amendment: Keep the existing language, but add the following as an additional provision:

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

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- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.**

Reasoning for Amendment: The intent of a street tree plan or landscape plan is that the trees included in that plan be continually maintained. This amendment will ensure that street trees are maintained in perpetuity, which better aligns with the purpose of the Trees chapter. Specifically, the purpose statement refers to the City establishing and maintaining the maximum amount of tree cover on public and private lands in the city, and also to provide tree-lined streets throughout the city.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Council Options:

1. **ADOPT** Ordinance No. 5027, approving G 1-17 and adopting the Decision, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5027.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5027 which would approve the zoning text amendments as recommended by the Landscape Review Committee and Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5027.”

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

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